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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

COREY SHERMAN,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
 EDUCATION,

Defendant.

) Case No. 3:24-CV-07624-PHK

) **JOINT CASE MANAGEMENT STATEMENT**
) **AND ORDER**

Plaintiff and Defendant submit this joint case management statement.

1. Jurisdiction and Service

The parties agree that the Court has jurisdiction over this action pursuant to the Freedom of Information Act (FOIA). The parties also agree that venue is proper in the San Francisco Division of the United States District Court for the Northern District of California. Defendant has been served.

2. Facts

This FOIA action arises from a FOIA request submitted to Defendant on May 10, 2021 concerning “records related to, *inter alia*, civil rights complaints, the Holocaust, Israel, Zionism, and the Boycott Divestment and Sanctions (BDS) movement.” *See* Dkt. 1. Defendant contends that it provided its final response to the FOIA request on December 31, 2024. Certain withholdings and redactions made

pursuant to the FOIA remain in dispute. On January 22, 2025, Plaintiff provided a partial list of the issues that remain in dispute which Defendant is currently reviewing.

3. Legal Issues

Plaintiff filed the Complaint on November 4, 2024 (*see* Dkt. 1) and Defendant answered on December 6, 2024 (*see* Dkt. 7). The parties continue to meet and confer regarding disputes over certain withholdings and redactions made pursuant to the FOIA. Plaintiff currently contends that Defendant's search for records was inadequate, but the parties have not begun to meet and confer on this issue.

4. Motions

There are no pending motions.

5. Amendment of Pleadings

The parties do not expect any additional amendments to the pleadings at this time.

6. Evidence Preservation

The parties have reviewed the ESI Guidelines. The parties are not aware of any evidence preservation issues that may affect this case.

7. Disclosures

The parties agree and stipulate that initial disclosures pursuant to Federal Rule of Civil Procedure 26 are not necessary, as this is a FOIA action in which initial disclosures are typically not needed or required. Accordingly, the parties respectfully request that the court excuse them from the Rule 26 obligation to exchange initial disclosures. The parties each reserve the right to request initial disclosures if unanticipated issues or disputes arise.

8. Discovery

The parties have not engaged in discovery and do not presently anticipate that discovery will be necessary in this case.

9. Class Actions

Not applicable.

10. Related Cases

There are no related cases.

11. Relief

Plaintiff seeks the following relief from the Court in the Complaint: “declare that the records sought in Plaintiff’s FOIA request are public under 5 U.S.C. § 552 and must be disclosed; order Defendant immediately to conduct a thorough search for all records responsive to Plaintiff’s FOIA request and to provide the records to Plaintiff within 20 business days of this Court’s order; enjoin Defendant from charging Plaintiff search, review, or duplication fees for processing its requests; award Plaintiff the costs of this proceeding, including filing fees, and reasonable attorney’ fees as expressly permitted by FOIA; and grant such other and further relief as the Court deems just and proper.” *See* Dkt. 1 at pp. 4-5.

Defendant contends that it has completed its response to the FOIA request at issue and denies that Plaintiff is entitled to any further relief. Plaintiff does not agree.

12. Settlement and ADR

The parties continue to meet and confer regarding outstanding disputes and may seek the assistance of the Court regarding an ADR process if these efforts are unsuccessful.

13. Consent to Magistrate Judge for All Purposes

All parties consent to having a Magistrate Judge conduct all further proceedings in this case.

14. Other References

This case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties have not presently identified any issues that can be narrowed by agreement or motion at this time.

16. Expedited Trial Procedure

At this time, the parties do not agree to the Expedited Trial Procedure of this Court.

17. Schedule

The parties request additional time to continue ongoing meet and confer efforts regarding the issues highlighted by Plaintiff in his January 22, 2025 communication, and to endeavor to resolve all

other outstanding disputes without judicial intervention. The parties respectfully request that the Court issue an order directing a status report on these efforts within 60 days of the case management conference to determine the appropriate further action.

18. Trial

At this time, the parties anticipate this case will predominately involve purely legal issues and will be resolved through negotiations or on summary judgment.

19. Disclosure of Non-Party Interested Entities or Persons

Plaintiff has no non-party interested entities or persons to disclose.

The disclosure requirements of Civil L.R. 3-15 do not apply to Defendant.

20. Professional Conduct

Both parties and counsel have reviewed the Guidelines for Professional Conduct for the Northern District of California.

21. Other

At this time, the parties do not believe there are any other matters that relate to the just, speedy and inexpensive disposition of this matter.

IT IS SO STIPULATED.

DATED: February 3, 2025

Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/ Michael A. Keough
MICHAEL A. KEOUGH
Assistant United States Attorney

Attorneys for Defendant

/s/ Corey Sherman*

Plaintiff

** In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.*

CASE MANAGEMENT ORDER

Pursuant to the Joint Case Management Statement, the Court sets the following: the hearing for the Initial Case Management Conference is **VACATED**, the Court **GRANTS** the stipulated case management schedule, the Court **SETS** a further Case Management Conference for **April 10, 2025**, at 1:00 pm, and the Parties are **ORDERED** to file a Joint Case Management Statement **seven (7) days** before the further Case Management Conference.

IT IS SO ORDERED.

Dated: February 5, 2025


UNITED STATES MAGISTRATE JUDGE